

ZB# 00-54

Brendan Delaney

51-3-35

Prelim.

Oct. 23, 2000

NO SHOW.

Prelim.

January 25, 2002

Public Hearing:

~~For~~ January 25, 2002

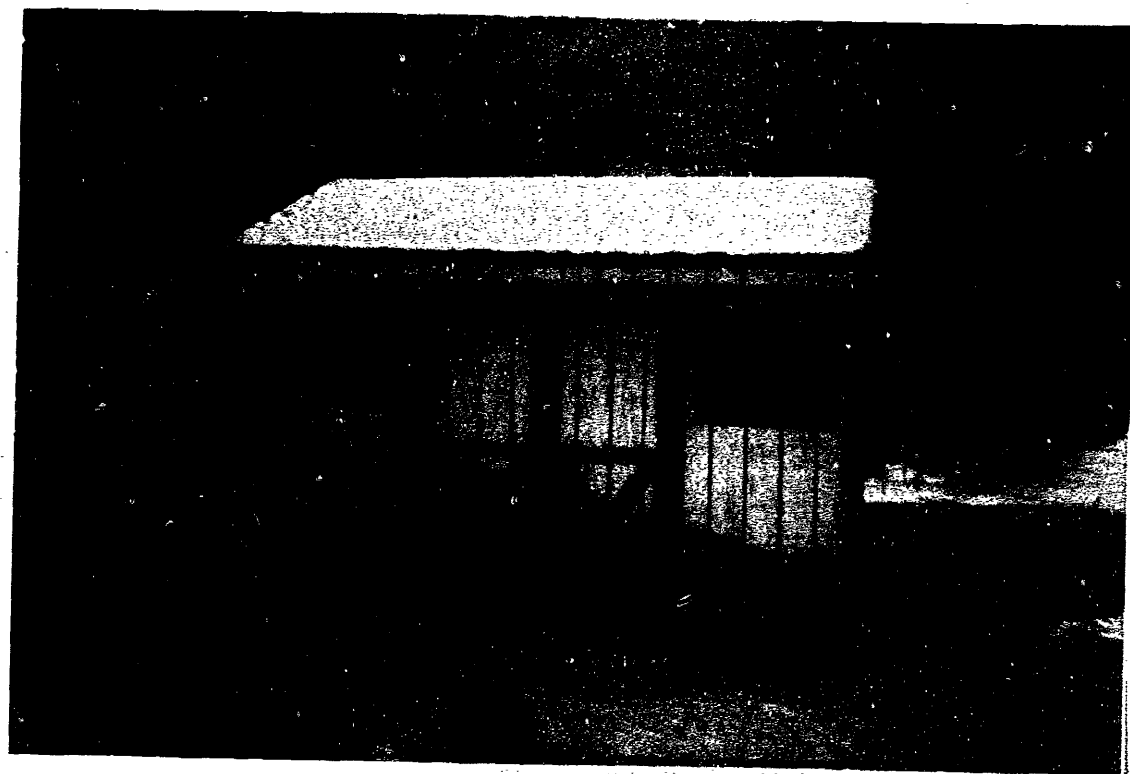
Area Variance

Refund \$20400

#00-54- Delaney, Brendan

Area

51-3-35.



APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Delaney, Brendan.

FILE# 00-54.

RESIDENTIAL: \$50.00

COMMERCIAL: \$150.00

INTERPRETATION: \$150.00

AREA ☒

USE ☐

APPLICATION FOR VARIANCE FEE \$ 50.00

*

*

*

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 1/28/02 3 \$ 13.50

2ND PRELIMINARY- PER PAGE \$

3RD PRELIMINARY- PER PAGE \$

PUBLIC HEARING - PER PAGE 2/25 3 \$ 13.50

PUBLIC HEARING (CONT'D) PER PAGE \$

TOTAL \$ 26.00

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM. MEETING: 1/28/02 \$ 35.00

2ND PRELIM. \$

3RD PRELIM. \$

PUBLIC HEARING. 2/25 \$ 35.00

PUBLIC HEARING (CONT'D) \$

TOTAL \$ 70.00

MISC. CHARGES:

..... \$

TOTAL \$ 96.00

LESS ESCROW DEPOSIT \$ 300.00

(ADDL. CHARGES DUE) \$

REFUND DUE TO APPLICANT .. \$ 204.00

Date March 11, 2002

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO Brendan Selney DR.
2 Apple Court Rock Tavern, NY 12575

[illegible]

BRENDAN P. DELANEY
BERNADETTE C. DELANEY

2 APPLE CT.
ROCK TAVERN, NY 12575

50-235-620
219
6801886435

754

~~1/30/02~~ 1/30/02

Pay to
the order of

Town of New Windsor

\$ 300

Three Hundred ⁰⁰/₁₀₀

~~1/30/02~~



Security Features
Inquire at
Office or Bank

THE
BANK OF
NEW
YORK

7 West Main Street
Washingtonville, NY 10992

~~1/30/02~~ 25A #00-54.

Brandon Delaney

⑆021902352⑆ ⑈6801836435⑈ 0754

ANTIQUE

BRENDAN P. DELANEY
BERNADETTE C. DELANEY
2 APPLE CT.
ROCK TAVERN, NY 12575

50-235 620
219
4801836435

753

~~DATE~~ 1/30/02

Pay to the order of

TOWN OF NEW Windsor

\$ 50

Fifty 00/100

~~RECEIVED~~



Security Features
Included
Details on Back

THE
BANK OF
NEW
YORK

7 West Main Street
Washington, NY 10992

~~ACCOUNT~~ ZBA #0054

Brendan Delaney

⑆021902352⑆ ⑈6801836435⑈ 0753

ZBA #00-54

**Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611**

**RECEIPT
#116-2002**

01/31/2002

**Delaney, Brendan
2 Apple Court
Rock Tavern, NY 12575**

**Received \$ 50.00 for Zoning Board Fees on 01/31/2002. Thank you for
stopping by the Town Clerk's office.**

As always, it is our pleasure to serve you.

**Deborah Green
Town Clerk**

In the Matter of the Application of

BRENDAN DELANEY

MEMORANDUM
OF DECISION
GRANTING
VARIANCE

#00-54.

WHEREAS, BRIAN DELANEY, 2 Apple Court, Rock Tavern, New York 12575, has made application before the Zoning Board of Appeals for variation of Section 48-14A(4) of Supplemental Yard Regulations, plus 35 ft. front yard variance to allow existing shed to project closer to road than principle structure, at the above location, in an R-1 zone; and

WHEREAS, a public hearing was held on the 25th day of February, 2002 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared for this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in opposition to the Application, however a letter of support was received and filed from an adjacent neighbor; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a residential property located in a neighborhood of residential properties.

(b) The shed was located in the most economical and feasible area of the property.

(c) The property is situated on the intersection of two roads so that legally it contains two front yards.

(d) The shed is consistent in size and appearance to other decks in the neighborhood.

(e) The shed was not constructed on top of any well or septic system, water or sewer easement.

(f) The shed will not create any ponding or collection of water, or create any water hazards or affect the run off or path of water drainage.

(g) No trees or significant vegetation were removed in order to erect this shed.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant that can produce the benefits sought.

3. The variances requested are substantial in relation to the Town regulations, but nevertheless are warranted.

4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.

6. The benefit to the Applicant, if the requested variances are granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community.

7. The interests of justice will be served by allowing the granting of the requested area variances.

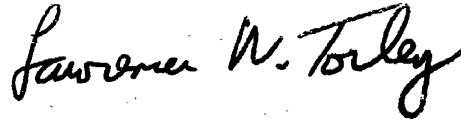
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for variation of Section 48-14A(4) of the Supplemental Yard Regulation, plus 35 ft. front yard variance to allow existing shed to project closer to road than principle structure, at the above address, in an R-1 zone, as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: April 8, 2002.

A handwritten signature in black ink, reading "Lawrence W. Torley". The signature is written in a cursive style with a horizontal line underneath it.

Chairman

Date 3/4/02

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Francesca Roth DR.

100 N. Cherry Lane
Newburgh, N.Y. 12550

DATE			CLAIMED	ALLOWED
2/25/02	Zoning Board Mtg		75 00	
	Misc - 3			
	Handy - 1			
	Caldwell - 3			
	Summit-on-Hudson - 3			
	Strategic Real Estate - 2			
	Foley - 4			
	Curtain - 4			
	DiLoreo - 3			
	Searing - 9			
	Hong - 4		175 56	
	Delaney - 3		250 00	
	39			

DELANEY, BRENDAN

Mr. and Mrs. Brendan Delaney appeared before the board for this proposal.

MR. TORLEY: Request for variation of Section 48-14A(4) of Supplemental Yard Regulations plus 35 ft. front yard variance to allow existing shed to project closer to street than principal structure at 2 Apple Court in an R-1 zone.

MR. TORLEY: Tell us what you want to do.

MR. DELANEY: Well, we request for a variance for a shed that we purchased and hopefully--

MR. TORLEY: Okay, just why tell us why the shed has to be where it is closer to the dwelling.

MR. DELANEY: Okay, the reason for that is the most level area that we have on the site because there's a fair grade there and, you know, it's for practical--

MR. TORLEY: Economically the most feasible place to locate it?

MR. DELANEY: Absolutely.

MR. BABCOCK: This is considered a corner lot, if this shed is actually on the side of his house, if he was not on a corner lot, he wouldn't be here for a variance.

MR. KANE: Thank you, Michael. The shed is similar to other sheds in your neighborhood?

MR. DELANEY: Yes.

MR. KAEN: Creating any water hazards or runoffs with the building of this shed?

MR. DELANEY: No.

MR. KANE: Is the shed on any easements, anything along those lines?

MR. DELANEY: No.

MR. TORLEY: Have you spoke with your neighbors about this?

MR. DELANEY: Yes, no problem.

MR. KANE: For the record, the assessor's office sent out 15 notices, no responses.

MR. TORLEY: That's close to the record, too.

MR. KANE: I did get one letter, Mr. Chairman, and I will put this to you.

MR. TORLEY: I will read not entirely but partial letter, this is from Mrs. Margaret T. O'Leary, 3 Apple Court. Kindly accept this correspondence as my support of the above-referenced variance request. The reminder of the letter will be in the file.

MR. REIS: Accept a motion?

MR. KANE: Not going to be cutting down any trees or--

MR. DELANEY: No.

MR. TORLEY: It's a nice shed. Gentlemen, any other questions?

MR. REIS: I want to how long has the shed been existing there?

MR. DELANEY: Less than a year, yeah.

MR. TORLEY: You put it up in the fall, I thought.

MR. REIS: Just for the record, thanks very much. Accept a motion?

MR. TORLEY: Yes, sir.

MR. REIS: Make a motion that we pass Mr. and Mrs. Delaney for their requested variance at 2 Apple Court.

February 25, 2002

37

MR. RIVERA: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE

Ref
2/25/02.

Margaret T. O'Leary
3 Apple Court
Rock Tavern, New York 12575
February 22, 2002

Chairman
Zoning Board of Appeals
555 Union Avenue
New Windsor, New York 12553

RE: Appeal 54
Request of Brendan Delaney
2 Apple Court, Rock Tavern

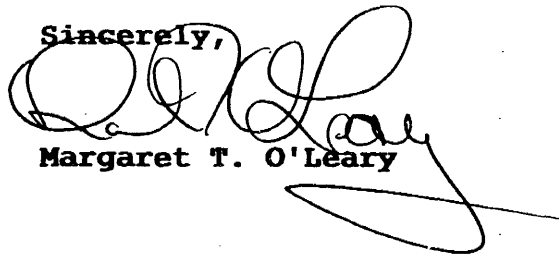
Dear Chairman and Board Members:

Kindly accept this correspondence as my support of the above referenced variance request.

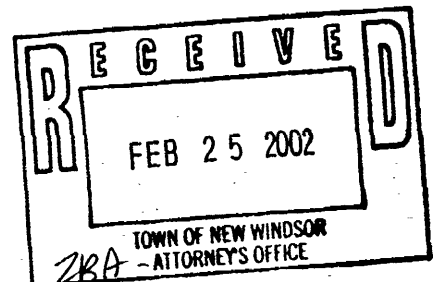
The location of the involved shed is most appropriate and aesthetically pleasing. Additionally, the placement of the shed in its existing location blends right into the property as it is a corner lot with a slightly elevating topography in the rear which actually causes the partial concealment of the shed from the side street.

The Board's consideration of this correspondence is tremendously appreciated.

Sincerely,



Margaret T. O'Leary



COPY

OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

Malin
Oct. 23, 2000

#00-54

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914) 563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.

DATE: 9/20/00

APPLICANT: Brendan Delaney
2 Apple Court
Rock Tavern, NY 12575

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:

FOR : 10x12 Shed

LOCATED AT: 2 Apple Court

ZONE: R-1

DESCRIPTION OF EXISTING SITE: 51-3-35

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. 48-14, A (4) Accessory Building (10x12 Shed)

No accessory building shall project nearer to the street on which the principal building fronts than such principal building.

Louis Vignone
BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-1 USE:

MIN. LOT AREA:

MIN LOT WIDTH:

REQ=D.. FRONT YD: Not Permitted

35ft

35ft

REQ=D. SIDE YD:

REQD. TOTAL SIDE YD:

REQ=D REAR YD:

REQ=D FRONTAGE:

MAX. BLDG. HT.:

FLOOR AREA RATIO:

MIN. LIVABLE AREA:

DEV. COVERAGE:

cc: Z.B.A., APPLICANT, FILE ,W/ ATTACHED MAP

COB

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS

IMPORTANT

YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:
Building Permit #: _____

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE PERMIT WILL BE ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises BRENDAN DELANEY

Address 2 APPLE COURT Phone 497-3146

Mailing Address ROCK TAVERN, NY 12575

Name of Architect _____

Address _____ Phone _____

Name of Contractor _____

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder OWNER

If applicant is a corporation, signature of duly authorized officer. _____

(Name and title of corporate officer)

1. On what street is property located? On the S side of JAMES WILKINSON ROAD
(N,S,E or W)
and 87' feet from the intersection of Route 207

2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N ☒

3. Tax Map Description: Section 5 Block 3 Lot 35

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy YES b. Intended use and occupancy _____

5. Nature of work (check if applicable) New Bldg ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other ☒

6. Is this a corner lot? YES 10 X 12 SHED.

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____

8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____

Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____

Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost _____ Fee 50.00

PAID

CL# 380 # 394

____/____/____
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors Frank L. Isl & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(914) 563-4618
(914) 563-4693 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

(Signature of Applicant)

Brendan Delany

(Owner's Signature)

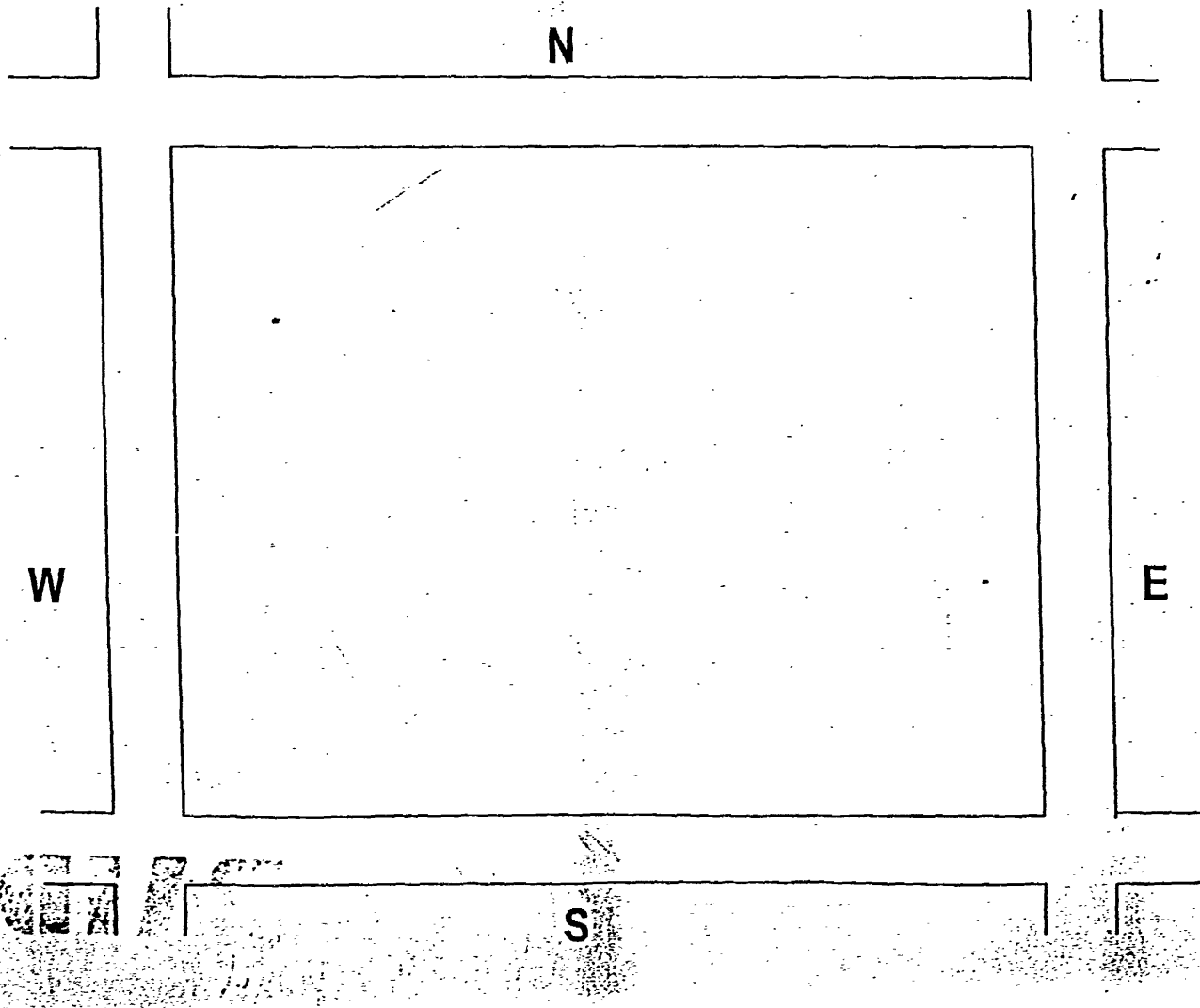
(Address of Applicant)

(Owner's Address)

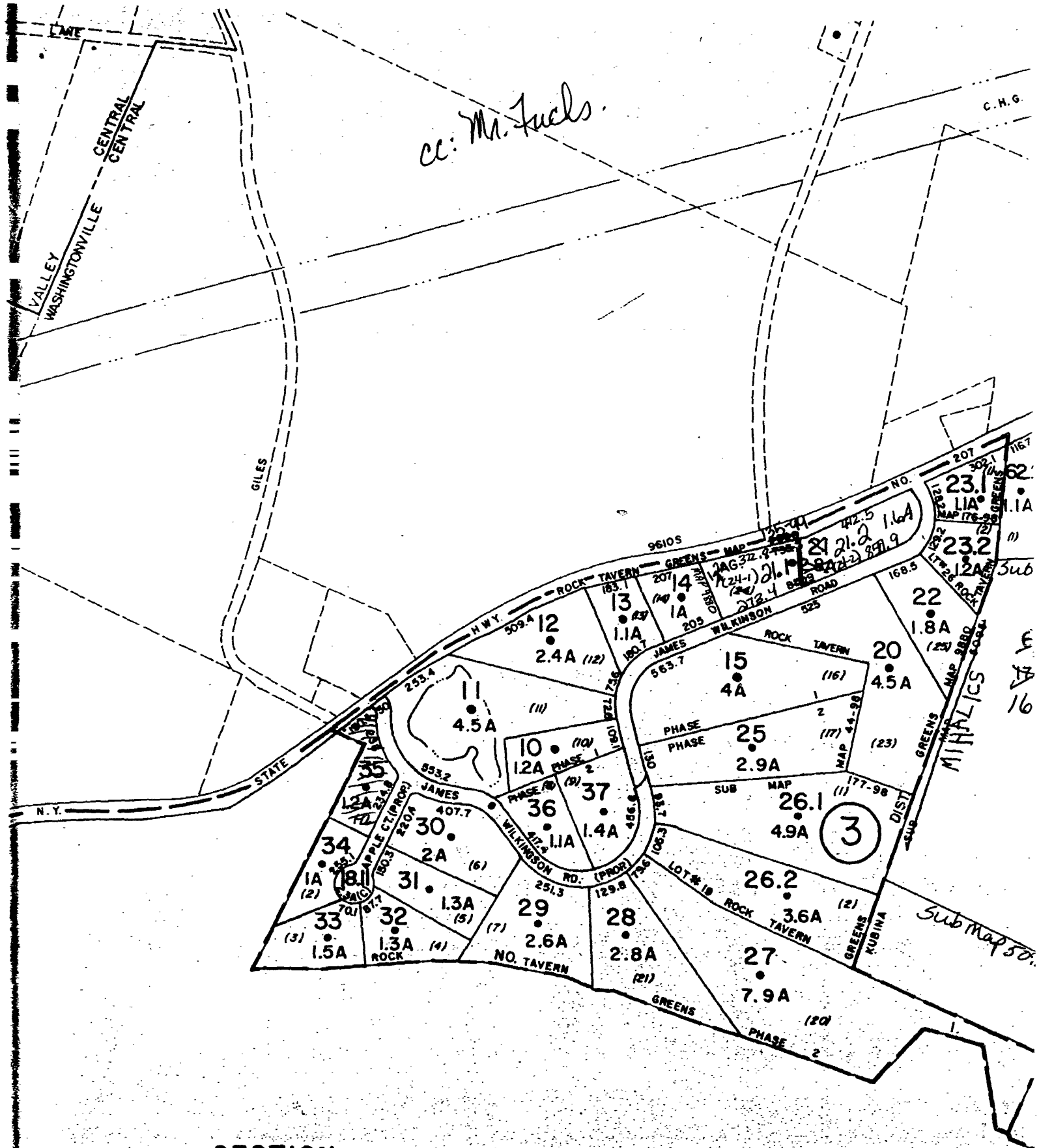
PLOT PLAN

NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



cc: Mr. Fuels.



SECTION

55

845-426-2200

ORANGE C



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-4693

Assessors Office

January 30, 2002

15

Brendan Delaney
2 Apple Court
Rock Tavern, NY 12575

Re: 51-3-35

Dear Mr. Delaney:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$35.00, minus your deposit of \$25.00.

Please remit the balance of \$10.00 to the Town Clerk's Office.

Sincerely,

Leslie Cook
Sole Assessor

LC/lrd

CC: Pat Corsetti, ZBA

51-1-33.1
NYS Dept. of Environmental Conservation
C/o Orange County Comm. Of Finance
255-275 Main Street
Goshen, NY 10924

51-3-36
Sandra & Patrick Higgins
78 James Wilkinson Road
Rock Tavern, NY 12575

51-3-10
Jed & Lori Binder
54 James Wilkinson Road
Rock Tavern, NY 12575

51-3-37
David & Sandra Reveille
62 James Wilkinson Road
Rock Tavern, NY 12575

51-3-11 & 51-3-12.2
Agatha McComb
James Robert Cutler
52 James Wilkinson Road
Rock Tavern, NY 12575

55-1-29.1 & 55-1-30
Michael & Jeanine Davison
2005 Little Britain Road
Rock Tavern, NY 12575

51-3-12.1
Gary & Mary Long
50 James Wilkinson Road
Rock Tavern, NY 12575

55-1-32.2
Anthony Jr. & Edith Congelosi
P.O. Box 54
Rock Tavern, NY 12575

51-3-29
Judith Postiglione
89 James Wilkinson Road
Rock Tavern, NY 12575

55-1-131.1
Bruce Fuchs
40 Doral Court
New City, NY 10956

51-3-30
Hans-Juergen & Marion Mueller
1 Apple Court
Rock Tavern, NY 12575

51-3-31
Margaret O'Leary
3 Apple Court
Rock Tavern, NY 12575

51-3-32
Thampy Varughese
Mary Varughese (UX)
5 Apple Court
Rock Tavern, NY 12575

51-3-33
Paul & Luz Zappier
6 Apple Court
Rock Tavern, NY 12575

51-3-34
Daniel & Alina Filippone
4 Apple Court
Rock Tavern, NY 12575

Date 1/29/02

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

Frances Roth
168 N. Drury Lane
Newburgh, N.Y. 12550

TO DR.

DATE			CLAIMED	ALI
1/28/02		Zoning Board Mtg	75.00	
		Misc. - 2		
		Blythe - 1		
		Digerata - 5		
		Hong - 3		
		Carlone - 3		
		Traxel - 3		
		Bonaine -	103.50	
		Delaney - 3		
		23	178.50	

DELANEY

Mr. and Mrs. Delaney appeared before the board for this proposal.

MR. TORLEY: Request for variation of Section 48-14 A(4) to allow existing shed to remain.

MR. DELANEY: It's just a shed, we're on an end house. You told me to get pictures, so I got some pictures. It's in Rock Tavern, it's a cross from the post office.

MR. TORLEY: It's on 207?

MR. DELANEY: No, we're a fair bit away.

MR. TORLEY: James Wilkinson Drive?

MR. DELANEY: Yes.

MR. TORLEY: You're the first house in?

MR. DELANEY: Apple Court, yeah.

MR. KANE: As you may have heard before, the way we proceed we do a preliminary hearings so we can get an idea of what you want to do and you can hear some of our opinions and by law, everything has to be done in the public hearing. So this way, we can straighten out any misunderstandings before we go to the public hearing. So that's what we're doing right now. How long has the shed been up?

MR. DELANEY: Over a year now.

MR. KANE: Any complaints formally on informally?

MR. DELANEY: We had compliments rather than complaints.

MR. KANE: It's a similar shed to other sheds in the area?

MR. DELANEY: Yes.

MR. MC DONALD: Not over any, you don't have sewer and water, no sewer?

MR. DELANEY: No.

MR. KANE: No easements or anything?

MR. DELANEY: No.

MR. TORLEY: My end of town, we don't have sewer. Not over septic or well?

MR. DELANEY: No, it's on the other side of the house.

MR. KANE: Is it on a cement pad?

MR. DELANEY: It's on a, I put gravel under it.

MR. KANE: It would be infeasible to move it to a different area on the property at this point?

MR. DELANEY: Yes.

MR. TORLEY: It's pretty steep in that spot.

MR. KANE: For the record, we'll ask you those questions so we can get everything on the record.

MR. TORLEY: On the other side of the property is the pond?

MR. DELANEY: No, we don't have the pond.

MR. TORLEY: What brings you to the board, refinancing or--

MR. DELANEY: Yeah.

MR. KANE: Accept a motion?

MR. TORLEY: Yes.

MR. KANE: I move that we set up the Delaneys for a public hearing on their requested variance for their shed.

January 28, 2002

22

ROLL CALL

MR. KANE	AYE
MR. MCDONALD	AYE
MR. TORLEY	AYE

Pks. publish & send bill to Applicant.

PUBLIC NOTICE OF HEARING

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 54

Request of Brendan Delaney

for a VARIANCE of the Zoning Local Law to Permit:

existing shed projecting closer to road than
principle structure;

being a VARIANCE of Section 48-14- Supp Yard Regs.

for property situated as follows:

2 Apple Court, Rock Tavern, New Windsor

known and designated as tax map Section 51, Blk. 3 Lot 35

PUBLIC HEARING will take place on the 25th day of February,
2002 at the New Windsor Town Hall, 555 Union Avenue, New Windsor,
New York beginning at 7:30 o'clock P.M.

Lawrence Torley
Chairman

By: Patricia G. Corsetti, Secy.

ZONING BOARD OF APPEALS:TOWN OF NEW WINDSOR
COUNTY OF ORANGE:STATE OF NEW YORK

X

In the Matter of the Application for Variance of

AFFIDAVIT OF
SERVICE
BY MAIL

Brundan Delaney
00-54

X

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

PATRICIA A. CORSETTI, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at
7 Franklin Avenue, New Windsor, N. Y. 12553.

That on the 4th day of February, 2002, I compared the 15
addressed envelopes containing the Public Hearing Notice pertinent to this case
with the certified list provided by the Assessor regarding the above application
for a variance and I find that the addresses are identical to the list received. I
then caused the envelopes to be deposited in a U.S. Depository within the Town
of New Windsor.

Patricia A. Corsetti

Sworn to before me this

____ day of _____, 20____.

Notary Public

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

00-54.

Date:

1/30/02.

I. ✓ Applicant Information:

- (a) BRENDAN DELANEY, 2 APPLE CT, ROCK TAVERN 497-3146
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- (☒) Use Variance (☐ Sign Variance)
- (☐ Area Variance (☐ Interpretation)

III. ✓ Property Information:

- (a) R-1 2 APPLE CT, ROCK TAVERN 51-3-35 51,627 sq. ft.
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? NONE.
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO.
- (d) When was property purchased by present owner? 10-1-99.
- (e) Has property been subdivided previously? NO.
- (f) Has property been subject of variance previously? NO.
If so, when? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? N/A.
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: YES. 10' x 12' shed.
- _____

IV. Use Variance. N/A.

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow: _____
(Describe proposal) _____
- _____

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

SHED CURRENTLY RESIDES ON THE MOST LEVEL PART OF LOT
DUE TO STEEP GRADIENT IN AND AROUND HOUSE AREA WILL LEAVE
SHED UNSAFE.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes No X.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

✓ V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-14, Table of Supp. Yard Regs., col. A(4).

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd.	<u>35 ft.</u>	<u>35 ft.</u>
Reqd. Side Yd.		
Reqd. Rear Yd.		
Reqd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage* %	%	%
Floor Area Ratio**		
Parking Area		

* Residential Districts only

** No-residential districts only

✓ (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

THE SHED IN QUESTION BLENDS IN WITH OTHER
SHEDS IN THE NEIGHBORHOOD. IT POSES NO DANGER TO OTHER
PERSONS

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: N/A.

(a) Variance requested from New Windsor Zoning Local Law, Section _____, _____ Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign	_____	_____	_____
Sign 3	_____	_____	_____
Sign	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation. N/A

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

Date 11/13/00, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth DR.
168 N. Drury Lane
Newburgh, N.Y. 12560

DATE			CLAIMED	ALLOWED
11/24/00	Misc - 1			
	DeLaney - 1	\$ 4.50		
	Ucker - 5			
	Orr - 3			
	Robare - 3			
	Moore - 3			
	Stacy/Borko - 3			
	Calvert - 7			
	Cactus Resort - 15			
	2BA Mtg		75 00	
	41		164 00	
			<u>239 00</u>	

October 23, 2000

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PRELIMINARY MEETINGS:

DELANEY, BRENDAN

No show.